

Critical Issues On The Agenda

- 8:30 a.m. - 9:45 a.m.
- I. What Is The State Historic Preservation Office?**
— *Bryan Lijewski*
- A. Historic Designation
1. Centennial Farm
 2. National Register Of Historic Places
 3. National Historic Landmarks
 4. Local Designation
- B. Protection
1. Section 106 Of The National Historic Preservation Act Of 1966, As Amended
 2. Historic Easements/Covenants
 3. Local Historic Districts
- C. Incentives
1. Federal Tax Credits
 2. State Tax Credits
 3. Certified Local Government Grants
 4. Lighthouse Assistance Grants
- II. Historic Preservation Laws**
— *Bryan Lijewski*
- A. Michigan
1. Section 266 Of The Income Tax Act Of 1967 (MCL 206.266) And Section 39A Of The Single Business Tax Act (MCL 208.39a) (Michigan's Historic Preservation Rehabilitation Tax Credits)
 2. PA 169 Of 1970, As Amended (Michigan's Local Historic Districts Act)
- B. Federal
1. National Historic Preservation Act Of 1966, As Amended
 2. Tax Reform Act Of 1986 (Federal Historic Preservation Rehabilitation Tax Credit)
- 9:45 a.m. - 10:20 a.m.
- III. General Overview Of Michigan Local Historic Districts Act**
— *John D. Staran*
- IV. General Validity Of Local Historic Preservation Regulations**
— *John D. Staran*
- A. Public Purpose
- B. Distinguished From Zoning
- C. State Enabling Legislation
- 10:20 a.m. - 10:30 a.m.
- Break**
- 10:30 a.m. - 11:15 a.m.
- V. Legal Issues**
— *John D. Staran*
- A. Owner Consent
- B. Takings
- C. Americans With Disabilities Act
- D. Religious Property
- E. Maintenance And Upkeep Of Historic Property
- F. Contiguous vs. Non-Contiguous Historic Districts
- G. Equal Protection
- H. Conflict Between Ordinances
- I. Public Property And Projects
- VI. Case Studies**
— *John D. Staran*

- 11:15 a.m. - 12:00 p.m.
- VII. Administrative Appeals Under Local Historic Districts Act**
— *Nicholas Bozen*
- A. Overview Of Appeal Process
- B. Comments On Administrative Practice
- C. Typical Issues On Appeal
1. Demolition Cases
 2. Restoration Cases
- D. Discussion Of Administrative Cases
- 12:00 p.m. - 1:00 p.m.
- Lunch (On Your Own)**
- 1:00 p.m. - 2:15 p.m.
- VIII. Banking Perspective Of Historic Tax Credits And The Ability To Be An Investor In Historic Renovation Projects**
— *Richard M. Buss*
- A. Bank Community Reinvestment Responsibilities
1. Community Development Projects
 2. Bank Priorities
- B. Alternative Financing Structures
- C. Project Feasibility Viewed By The Investor
- D. Terms And Pricing For Michigan And Federal Credits
1. IRS Safe Harbor Guidelines
 2. Michigan SBT And Federal Parameters
- E. Project Examples And Lessons Learned
- 2:15 p.m. - 2:50 p.m.
- IX. Administrative Reviews Under Single Business And Income Tax Acts**
— *Nicholas Bozen*
- A. Overview Of Review Process
- B. Discussion Of Administrative Cases
- X. Administrative Appeals Under Natural Resources And Environmental Protection Act**
— *Nicholas Bozen*
- A. Overview Of Underwater Salvage Application Process
- B. Overview Of Review Process
- C. Discussion Of Cases
- 2:50 p.m. - 3:00 p.m.
- Break**
- 3:00 p.m. - 4:00 p.m.
- XI. Historic Preservation Litigation**
— *James M. Marquardt*
- A. Elements Of A Section 106 Case
1. Triggering Event – An “Undertaking”
 2. Federal Funding/Licensing
 3. Inconsequential Impact Rule
 4. Approvals – Initial And Ongoing
 5. Agency Official – Federal And State
 6. National Register Eligibility
 7. Comments By Advisory Council
- B. Special Issues
1. Jurisdiction/Applicability
 2. Standing
 3. Parties
 4. Statute Of Limitations
 5. Injunctive Relief
 6. Attorney Fees
- 4:00 p.m. - 4:30 p.m.
- XII. Panel Discussion**
— *Nicholas Bozen, Richard M. Buss, Bryan Lijewski, James M. Marquardt and John D. Staran*

The Benefits For You

This seminar is designed to inform and update professionals on the opportunities and implications involved with historic preservation in Michigan. It provides an in-depth analysis of historic preservation law issues affecting not only old and historic buildings, but also urban communities, other historic landmarks and structures, and archaeological and historic treasures. It also explores the business aspects of preservation, including tax laws and current developments in historic preservation litigation. Attendees will also learn about the role of the State Historic Preservation Office in historic property designation, protection and redevelopment including state and federal laws and incentives.

Topics to be discussed include:

- **Historic Preservation Laws**
- **Michigan Local Historic Districts Act**
- **Banking Perspective Of Historic Tax Credits**
- **Administrative Appeals Under Natural Resources And Environmental Protection Act**
- **Historic Preservation Litigation**

Who Should Attend

This seminar is designed for attorneys, accountants, government and municipal planners, historic district commissioners, architects, engineers, contractors, principals, project managers and developers.

Written Materials

You will receive a professionally prepared manual at this seminar. This manual has been compiled by the faculty specifically for this seminar.

Audiotapes

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Our Distinguished Faculty

Nicholas Bozen is a graduate of the University of Notre Dame, where he received a B.A. degree in government, and a graduate of the University of Michigan Law School. He began his legal career as Staff Counsel to an ad hoc committee of the Michigan Legislature. Following that assignment, he worked for Michigan's Legislative Service Bureau, where he provided both legal advice and bill drafting services to the State Legislature. He also worked as a Legal Editor in the Bureau's Legal Publications Division. Mr. Bozen then transferred from the legislative to the executive branch of state government, where he was appointed as the first full-time Administrative Law Judge for the Michigan Department of Mental Health, Office of Legal and Legislative Affairs. He was past Director of the Administrative Law Division, Michigan Department of State. He currently serves as the Director, Office of Regulatory Affairs, Michigan Department of History, Arts and Libraries. In that capacity, Mr. Bozen provides legal support to the Michigan Historical Center, which is an agency of the Department of History, Arts and Libraries. The Center administers programs concerning historic preservation, archaeology, the State Historical Museum, the State Archives, and *Michigan History Magazine*. His office provides legal counsel to all of the Center's programs. The office also conducts contested case hearings and other reviews of issues raised under the Local Historic Districts Act, the Income Tax and Single Business Tax Acts, and the underwater recovery provisions of the Natural Resources and Environmental Protection Act.

Richard M. Buss is the Executive Director of the Detroit/SEM Community Development Association for National City. He is responsible for community development investing in low and moderate income communities of Detroit and Southeast Michigan. From a background in economic development, Mr. Buss entered community development finance at First of America Bank in 1987, forming their bank Community Development Corporation in 1991. He has over 22 years of experience in community and economic development. As manager of National City's community development program in Detroit since 1998, Mr. Buss has developed a total of \$37.4 million in equity investments. He has initiated National City's program to provide specialized permanent financing for qualified low-income tax credit projects, particularly ones too small for conventional lending sources. As a Vice-President of the National City Bank of Michigan/Illinois, he serves on the regional contributions committee and senior management group for Southeast Michigan. Mr. Buss obtained his formal education in the field of political science having earned his Master's degree from the University of Michigan and his Bachelor's degree from Western Michigan University.

Bryan Lijewski is the Architectural Coordinator with the State Historic Preservation Office, Michigan Historical Center, Michigan Department of History, Arts and Libraries. He has been with the preservation office since August of 1999 when he was hired to administer the new state tax credit program. Additional responsibilities include technical reviews of all proposed work for lighthouse grant projects. Mr. Lijewski's prior experience includes work with private architecture firms and with the Illinois State Historic Preservation Office. His primary duties with the Illinois office included administration of design services for the Illinois Main Street program. Mr. Lijewski has an undergraduate degree in architecture from the University of Michigan and a graduate degree in architecture with a specialization in history and preservation from the University of Illinois.

James M. Marquardt is a shareholder with the Kalamazoo, Michigan law firm of Lewis, Reed & Allen, P.C. His twenty-plus years of experience covers such areas as real estate purchase and sales transactions, commercial leasing, zoning and land use law, condominium developments, oil and gas law, construction contract and lien law, title insurance law, and historic preservation law. Prior to joining Lewis, Reed & Allen, Mr. Marquardt headed the real estate department of a *Fortune* 500 financial institution, and served as CEO of a Kalamazoo-based title insurance company. Mr. Marquardt received his undergraduate degree from the University of Michigan, and his law degree from DePaul University College of Law. Mr. Marquardt is active with the State Bar of Michigan, primarily in the Land Title Standards Committee, and has produced articles for the *Michigan Real Property Review* on emerging areas of real property law. He is past chair of both the City of Kalamazoo Economic Development Corporation and Brownfield Redevelopment Authority.

John D. Staran is a principal in the Bloomfield Hills law firm of Beier Howlett, P.C. He received his B.A. degree, with distinction, from the University of Michigan – Dearborn, and his J.D. degree from the University of Notre Dame. Mr. Staran conducts a general civil law practice, with areas of concentration including local government, real estate, construction, property taxation, eminent domain, and zoning and land use law matters. He is also the Village Attorney for Franklin, the City Attorney for Rochester Hills and the Assistant City Attorney for Birmingham, in Oakland County, Michigan. In the course of his representation of those municipalities, he has had extensive involvement with historic preservation regulation issues and litigation. Mr. Staran formerly chaired the Oakland County Bar Association's Municipal Law Committee, and he has previously lectured and written on municipal and land use law and historic preservation related subjects.

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General Information

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Lunch Break: 12:00 p.m. - 1:00 p.m. (On Your Own)

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FACULTY: Charles R. Bear and Randall L. Brown both of Randall L. Brown & Associates, PLC, Stephen M. Denenfeld of LewisAllen, P.C., James R. Hudson – City Clerk of Portage, James W. Porter of Bauckham, Sparks, Rolfe, Lohrstorfer & Thall, P.C. and David T. Young of J-AD Graphics Incorporated. ©2002. 170 pages.

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FACULTY: Charles B. Long of The Lyceum Consulting Group, Inc. ©2002. 57 pages.

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FACULTY: Martin E. Crandall and Thomas P. Nelson both of Martin E. Crandall & Associates, Lucetta V. Franco, Allison Reuter, Thomas Schramm and Mark Filak all of Nemeth Burwell, P.C. ©2002. 102 pages.

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A one-day seminar designed for attorneys, accountants, government and municipal planners, historic district commissioners, architects, engineers, contractors, principals, project managers and developers.

**Troy, MI
May 7, 2003**

Nicholas Bozen

*Michigan Department of History,
Arts and Libraries*

Richard M. Buss

Community Development, National City Bank

Bryan Lijewski

State Historic Preservation Office

James M. Marquardt

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John D. Staran

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